COUNCIL

ORDINANCE NO. 15237

FILE OF CITY COUNCIL

BILL NO. 58 - 2015

Introduced by Councilpersons Eichenwald and O'Connell

September 2, 2015

AN ORDINANCE

Amending Article 130.16, Contracts, of the Codified Ordinances, by adding a section establishing regulations relating to non-competitive bid contracts and financial assistance in excess of $2,500 by excluding individuals or businesses (in the aggregate) making $250 in contributions to elected officials or candidates for city office from applying or entering into a non-competitive bid contract, being a sub-contractor, or receiving financial assistance (grants, tax incentives, etc.) from the city in excess of $2,500.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION 1. That Article 130.16, Contracts, be amended to include the following section, lettered H:

H. Campaign Prohibitions and Regulations on Non-Competitive Bid Contracts or Financial Assistance in excess of $2,500

If an individual or business make a contribution in excess of $250.00 inclusive of in-kind services in the aggregate (family members with a financial interest in the business, business associates, subcontractors, contribution to a PAC which makes a candidate contribution, consultants) during a calendar year, to a candidate for any elective city office or to an elected city office incumbent during the incumbent's term of office, the individual or business shall not be eligible to apply for or enter into any non-competitive bid contract or be eligible to be a sub-contractor for a non-competitive bid contract or to receive financial assistance (grants, tax incentive, etc.) from the city.

1. This section applies to non-competitive bid contracts or financial assistance in excess of $2,500.00 excluding contracts or financial assistance for pass through grants, non-profit organizations, and federal grants such as CDBG allocations.

2. City agencies must notify the Purchasing Office of such opportunities using a form developed by Purchasing.

3. The Purchasing Office must develop procedures to implement this ordinance including a form for notifying potential applicants of contract or financial assistance opportunities.

4. Applicants for such opportunities must disclose all aggregate campaign contributions to city elective office candidates or incumbents.

5. An applicant must provide the name, employer and address of any planned sub-contractors and/or consultants to be used by the applicant.

6. The disclosure forms from all applicants must be made available to the public.

7. Agreements must include a copy of the disclosure forms.

8. Agreement must state that the contribution rules apply during the term of the contract.

9. Breach of such contribution rules shall be cause to void the contract.

10. A voided contract shall make the contractor liable for liquidated damages of 10% of the maximum payment to the contractor.

11. <u>The provisions of this section shall not be applicable where compliance with provisions may lead to loss of federal, state or similar grant funding or where a delay in the award of a contract would pose a threat to public safety.</u>

SECTION 2. That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

SECTION 3: That this ordinance will take effect ten (10) days after final passage.

AMENDMENTS:

Add the following underlined language to Bill passed, 5 – 0

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	Yea	Nay
Joe Davis	X	
Jeanette Eichenwald	X	
Jeff Glazier	X	
Daryl Hendricks		
Cynthia Y. Mota		
Julio A. Guridy, VP	X	
Ray O'Connell, Pres.	X	
TOTAL	5	0

I hereby certify that the foregoing Ordinance was passed by City Council on October 7, 2015 and signed by the Mayor on October 21, 2015.

Michael P. Hall

CITY CLERK